



U.S. Department of Justice

United States Attorney  
Southern District of New York

The Silvio J. Mollo Building  
One Saint Andrew's Plaza  
New York, New York 10007

May 9, 2016

**BY ECF**

The Honorable Alison J. Nathan  
United States District Judge  
Southern District of New York  
40 Foley Square  
New York, NY 10007

**Re:    *United States v. Nico Burrell et al.*  
      S2 15 Cr. 95 (AJN)**

Dear Judge Nathan:

The Government respectfully submits this letter, as directed by the Court, to address issues raised by Your Honor at the initial pretrial conferences in the above-referenced case, namely: (1) the appointment of learned counsel for potential capital defendants in these matters; (2) the appointment of a coordinating discovery attorney; and (3) the provision of discovery to the jails and related electronic discovery issues. The Government addresses each issue in turn below.

*First*, with respect to the appointment of learned counsel for potential capital defendants, the Government has consulted both with Jerry Tritz and with David Patton, Esq., of the Federal Defenders of New York, Inc. The Government has confirmed with Mr. Tritz that there are sufficient funds available for the appointment of learned counsel in advance of any Superseding Indictments and has begun working with Mr. Patton on locating learned counsel. Accordingly, there is no issue anticipated at this time with the appointment of learned counsel in this case, as discussed during the initial pretrial conferences, in advance of any Superseding Indictments.

*Second*, with respect to the appointment of a coordinating discovery attorney, the Government understands that defense counsel is working diligently on this issue but wishes to communicate about it with the Court *ex parte* going forward. The Government does not object to this plan, but continues to be available for any assistance defense counsel needs.

*Third*, with respect to the provision of discovery at the jails, the Government has been advised by Judith Vargas and Jean Barrett Esqs., on behalf of the defendants in this case, that the defense has agreed to the following proposal by the Government. Specifically, in addition to providing multiple hard drives containing discovery to the jails for use in the Education Unit

(one for each computer), the Government will also provide a set of DVDs to each defendant himself that he can use with the computer on each Housing Unit, the computers in the Education Unit, or in the attorney conference rooms. We expect that these disks will contain, at a minimum, individual discovery for each defendant (*i.e.*, rap sheets, arrest reports, and the United States Marshals Form for that defendant); any wiretap calls and associated line sheets already identified for that defendant; a report reflecting the contents of that defendant's phone if the Government seized and searched it; any material related to controlled buys for that particular defendant; the contents of any Facebook account identified for that defendant; any prison calls or emails for that defendant; and the complete set of files for acts of violence under investigation. The material sent to the jails will contain reports reflecting the contents of all the defendants' phones, but not the actual photographs or videos contained in the phones, which are often of a personal or prurient nature. The entire phone contents will be produced to all counsel.

As requested, we will also be producing all of the GPS data collected in this case, as well as text searchable PDFs.

If the Court has any issues or concerns regarding this agreed-upon proposal, the Government stands ready to address them.

Respectfully submitted,

PREET BHARARA  
United States Attorney

By: \_\_\_\_\_/s/

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cc: All defense counsel